

Appl. No. 10/064,118  
Response to Office Action mailed January 3, 2006  
Atty. Docket No. 72167.000562  
March 14, 2006

### REMARKS/ARGUMENTS

The Office Action of January 3, 2006 ("Office Action") has been reviewed, and in view of the foregoing amendments and following remarks, reconsideration and allowance of all of the claims pending in the application are respectfully requested. Claims 1, 4 and 6-16 have been amended. Claims 2, 3 and 5 have been canceled. Claims 17 and 18 have been added. No new matter has been added by way of these amendments. Support for these amendments can be found in the Specification as originally filed at least at paras. [0007]-[0011]; [0016]; [0026]-[0039]; Figs. 1 and 2.

The drawings have been objected to. *See* Office Action at ¶ 2. Claims 1-4 have been provisionally rejected on the ground of nonstatutory double patenting over claims 1-7 of copending U.S. patent application serial no. 10/084,221. *See* Office Action at ¶ 3. Claim 5 has been rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. *See* Office Action at ¶ 4. Claims 1, 5-7 and 11-13 have been rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement. *See* Office Action at ¶ 5. Claims 1-16 have been rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. *See* Office Action at ¶ 6. Claims 1 and 5-16 have been rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 6,134,592 to Montulli ("Montulli"). *See* Office Action at ¶ 9. Claims 2-4 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Montulli in view of U.S. Patent No. 6,718,482 to Sato *et. al.* ("Sato"). *See* Office Action at ¶ 10. Applicants respond to each objection and rejection below.

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#### **I. Drawings.**

The drawings have been objected to. *See* Office Action at ¶ 2. Applicants have submitted replacement figures for Figs. 1 and 2 pursuant to 37 C.F.R. § 1.121(d) and respectfully request that these objections be withdrawn.

#### **II. Double Patenting Rejections.**

Claims 1-4 have been provisionally rejected on the ground of nonstatutory double patenting over claims 1-7 of copending U.S. patent application serial no. 10/084,221. *See* Office Action at ¶ 3. Applicants have canceled claims 2 and 3 of this application, and claims 2-9 of the '221 application, and therefore this rejection is moot and should be withdrawn for these claims. Applicants further submit that claims 1 and 4 of this application, and claim 1 of the '221 application have been amended and that this rejection no longer applies. Applicants therefore respectfully request that this rejection be withdrawn with respect to claims 1 and 4.

#### **III. Rejection Under 35 U.S.C. § 101.**

Claim 5 has been rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. *See* Office Action at ¶ 4. Claim 5 has been canceled, and Applicants respectfully submit that this rejection is moot and should be withdrawn.

#### **IV. Rejections Under 35 U.S.C. § 112.**

##### **A. Rejections Under 35 U.S.C. § 112, First Paragraph.**

Claims 1, 5-7 and 11-13 have been rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement. *See* Office Action at ¶ 5. As an initial matter, claim 5 has been canceled, and Applicants respectfully submit that this rejection is moot and should be withdrawn.

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The Examiner states that “no portion of the specification can be located that deal with including/not including a token in the request from the client to the server.” *Id.* The Examiner further states with respect to claim 11 that “no portion of the specification can be located that deal with a ‘second server’ creates token.” *Id.* The Examiner further states with respect to claim 12 that “no portion of the specification can be located that deal with a ‘the first link is a link to the server.’” *Id.* The Examiner further states with respect to claim 13 that “no portion of the specification can be located that deal with a ‘the first link is a link to a second server.’” *Id.*

Applicants respectfully submit that the claims have been amended to delete the objected-to limitation “including/not including a token in the request from the client to the server” and that this rejection should be withdrawn.

Applicants respectfully submit that support for the objected-to limitations of claims 11, 12 and 13 can be found in the specification as originally filed at paras. [0018], [0019], [0023], [0027], [0028] and Figs. 1 and 2. Specifically, the specification states that “server 104 and cookie generator 106 are illustrated as separate entities [in Fig. 1] . . . [but] it is also possible that they are both elements of the same piece of hardware, but can perform different functions.” Applicants respectfully submit that this portion of the specification supports the limitation that the cookie generator can be physically part of the first server (shown as 104 in Fig. 1) or a separate (second) server. Further, Applicants respectfully submit that Fig. 2 supports the limitation that the “first link is a link to the server” at Step 216 and para. [0027], which together show that the client “sends a request for the clear gif that is represented by the link” to the server 104.

Applicants therefore respectfully request that these rejections be withdrawn.

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**B. Rejections Under 35 U.S.C. § 112, Second Paragraph.**

Claims 1-16 have been rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. *See* Office Action at ¶ 6. The Examiner states that the term “a predetermined value” in claims 3 and 4 is a relative term which renders the claim indefinite. Claim 3 is canceled, and therefore this rejection should be withdrawn with respect to claim 3. Applicants have amended claims 1, 4, 6 and 7 to include the limitation “if the token has been retrieved within a predetermined amount of time” and respectfully submit that the specification as originally filed provides support for this limitation at least at paras. [0016], [0029], [0038], [0039] and claims 3 and 4. Paras. [0016] and [0029] state as an example a count-down timer of 20 seconds. Paras. [0038] and [0039] further references monitoring for the cookie (token) if the timer has not expired, and to reload the process if the timer has expired.

Applicants submit that one of ordinary skill in the art would understand from the specification that there is some period of time, for example, in which a connection between a client and server may be lost if notifications of cookie retrieval are not received, and that the “predetermined amount of time” limitation in claims 1, 4, 6 and 7 references the amount of time after receipt of a request for a token from a client during which token retrieval can be checked before the connection is lost. Applicants further submit the one skilled in the art may have other purposes for limiting the amount of time for token retrieval, for example to prevent the server(s) from being busy with such requests.

If the rejection is maintained, Applicants respectfully request that the Examiner “set forth express findings of fact which support the lack of written description conclusion . . . [including] .

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.. (b) [e]stablish[ing] a *prima facie* case by providing reasons why a person skill in the art at the time the application was filed would not have recognized that the inventor was in possession of the invention as claimed in view of the disclosure of the application as filed." See MPEP § 2163.04(I).

Applicants therefore respectfully submit that the claim limitation "if the token has been retrieved within a predetermined amount of time" is definite, and this rejection should be withdrawn.

The Examiner further states that claims 1 and 3-7 "consist of claims containing the equivalent of "if . . . then" statements," which do not allegedly "clearly define what is included and not included within the invention." See Office Action at ¶ 8. Applicants respectfully submit that claims 3 and 5 have been canceled and that this rejection is moot with respect to those claims and should be withdrawn. Applicants further respectfully submit that claims 1, 4, 6 and 7 have been amended and satisfy the requirements of 35 U.S.C. § 112, second paragraph. Applicants further respectfully request that if the Examiner maintains this rejection, that he provide "an analysis as to why the phrase(s) used in the claim is 'vague and indefinite.'" See MPEP § 2173.02.

**V. Rejections Under 35 U.S.C. § 102.**

Claims 1 and 5-16 have been rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 6,134,592 to Montulli ("Montulli"). See Office Action at ¶ 9. Applicants respectfully request that Montulli does not disclose each and every limitation of the pending claims, either before or after amendment, and therefore request that this rejection be withdrawn.

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Montulli discloses the transfer of state information between a server system and a client system. *See* Abstract; col. 2, lines 16-19; col. 7, lines 16-21. In addition, Montulli discloses a persistent client state in a hypertext transfer protocol based client server system. *Id.* at lines 23-28. Montulli, however, does not disclose at least the limitations of claim 1 of "responsive to the first request, sending first information from the server to the client, wherein the first information comprises the token if the token has been retrieved within a predetermined amount of time after receiving the first request; wherein, the first information comprises display data and a first link corresponding to a program that listens for notification that the token has been retrieved if the token has not been retrieved within the predetermined amount of time after receiving the first request." *See also* claims 6 and 7 ("code to send first information from the server to the client, wherein the first information comprises the token if the token has been retrieved within a predetermined amount of time after receiving the first request; wherein, if the token has not been retrieved within the predetermined amount of time after receiving the first request, the first information comprises display data and a first link corresponding to a program that listens for notification that the token has been retrieved.")

Since Montulli does not disclose each and every limitation of claims 1, 6 and 7, Applicants respectfully request that this rejection be withdrawn. Since claims 4 and 8-18 depend from claims 1, 6 and 7, Applicants respectfully submit that Montulli does not disclose each and every limitation of these claims either, and this rejection should be withdrawn as to all pending claims.

#### VI. Rejections Under 35 U.S.C. § 103.

Claims 2-4 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over

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Montulli in view of U.S. Patent No. 6,718,482 to Sato *et. al.* ("Sato"). See Office Action at ¶ 10.

Sato discloses a fault monitoring system which monitors software faults in a computer and transmits a fault notification to a different computer connected to the monitored computer through a network. See Abstract. Sato, however, does not disclose the limitation of claim 1 that Applicants demonstrated in Sec. IV *supra* were not disclosed in Montulli. Specifically, Sato does not disclose the limitation in claim 1 of "responsive to the first request, sending first information from the server to the client, wherein the first information comprises the token if the token has been retrieved within a predetermined amount of time after receiving the first request; wherein, the first information comprises display data and a first link corresponding to a program that listens for notification that the token has been retrieved if the token has not been retrieved within the predetermined amount of time after receiving the first request."

Since Montulli and Sato, either alone or in combination, do not disclose each and every limitation of claim 1, Applicants respectfully submit that these references do not form a *prima facie* case of obviousness and that this rejection should be withdrawn. Applicants further note that claim 2 has been canceled and therefore this rejection is moot with respect to claim 2.

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### CONCLUSION

In view of the foregoing amendments and arguments, it is respectfully submitted that this application is now in condition for allowance. If the Examiner believes that prosecution and allowance of the application will be expedited through an interview, whether personal or telephonic, the Examiner is invited to telephone the undersigned with any suggestions leading to the favorable disposition of the application.

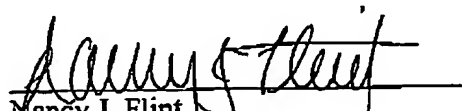
This Response has been filed within three months of the mailing date of the Office Action and it is believed that no fees are due. However, the Director is hereby authorized to treat any current or future reply, requiring a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. Applicants also authorize the Director to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees, to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS LLP

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By:

  
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